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Permanent Mission of the Republic of Maldives
to the United Nations Office at Geneva

**Statement at the Clustered Interactive Dialogue with the
SR on the Promotion and Protection of the right to freedom of expression and opinion
SR on violence against women, its causes and consequences**

**23rd Session of Human Rights Council by
Javed Faizal, Counsellor**

Geneva, 03 June 2013

Mr President,

The Maldives would like to extend its appreciation to the Special Rapporteurs Mr. Frank La Rue and also Ms. Rashida Manjoo, for their reports to the Human Rights Council and for their informative presentations this morning.

The Report by the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, and its thematic focus on the right to privacy in the context of communications surveillance, is both timely and pertinent. We agree that in a world where mass communications has redefined the conduits of human interaction, international human rights mechanisms have indeed been slow to assess the impact on the unequivocal right to privacy, and there needs to be a further understanding of States' obligations on the protection of the right to privacy.

In reality, examining the responsibilities of States in protecting this right is indeed complex and not without controversy. Technological advances in communications surveillance have been parallel to the general embrace of electronic communications and access to information on the Internet. Furthermore, States' do face a dilemma in differentiating between what could be considered utilization of permissible limitations in protecting public interests. However, we do believe that any intrusion into the private sphere must be proportional, and where necessary must be accompanied by judicial authorization.

Mr. President,

We welcome the report, and appreciate the insights he has provided on this issue. We agree that the right to privacy is an essential component of the realization of the right to freedom of expression and opinion. The Constitution of the Maldives guarantees the right to privacy (Article 24) including private communications. This is something, which has been upheld and respected, save for exceptional circumstances that involves threats to national security and to the safety of the general public.

In conclusion, we firmly believe that the Internet is an important tool through which citizens exercise their right to Freedom of Assembly, and it is an essential instrument of democratic participation. To promote human rights through Internet, we recently endorsed the Declaration on Freedom Online: Joint Action for Free Expression on the Internet agreed at the Internet Freedom Coalition in The Hague.

In order to strengthen domestic legal and judicial frameworks to safeguard this right; further dialogue on the use of communications surveillance and its impact on the right to privacy must take place within an appropriate international framework.

Mr President,

The Maldives welcomes the Special Rapporteur on violence against women, its causes and consequences for her detailed report, which we think compliments the previous reports by the Special Rapporteur. We think that the focus of the report on State's responsibilities and due diligence is an interesting perspective that warrants further examination.

While State's do have a responsibility to protect the rights of all women, from gender discrimination and violence, the standard of due diligence as an effective tool needs to be employed in a more robust and universal manner, complimenting existing normative standards and efforts underway to realize the obligations of States. In most cases in the developing world, structural deficiencies and resource constraints hamper efforts to adopt a more holistic approach to eliminating violence against women. Lack of understanding and education on protection measures, societal norms and access to justice must also be concurrently addressed, to recognize individual and systemic due diligence.

Eliminating all forms of violence against women is a cornerstone of the Maldives' human rights policy, and our work at the Human Rights Council. We have already undertaken measures to address comprehensively all the shortcomings present in the system, including the issue of accountability. These challenges are expansive and arduous, which would require time and effort. The Maldives has already demonstrated its commitment by withdrawing its reservations to CEDAW, as well as enacting a Domestic Violence Bill. Under this act, a Family Protection Authority Board was also constituted by the President in September 2012. This is only a small part, and we would emphasize that such a policy is overarching involving a number of domestic development programmes and agencies.

The Report of the Special Rapporteur, as well as her previous reports provides valuable insights into the functioning of both national and international systems on this issue. In this regard, we welcome the report, and its recommendations.

Thank you Mr. President.